

BOARD OF ZONING APPEALS MEETING

Meeting

TIPP CITY, MIAMI COUNTY, OHIO

FEBRUARY 21, 2007

Chairman Ron Poff called this meeting of the Tipp City Board of Zoning Appeals to order at 7:30 p.m.

Roll Call

Roll call showed the following Board Members present: Ron Poff, John Borchers, Alan Rodrigues and Stacy Wall. Others in attendance: City Planner/Zoning Administrator Matthew Spring, and Board Secretary Kimberly Patterson.

Absence

Mr. Rodrigues **moved to excuse Mr. Daniel Naas from the meeting**, seconded by Mr. Poff. **Motion carried.** Ayes: Borchers, Wall, Poff, and Naas. Nays: None. *Rodrigues*

Citizens signing the register: Amy Grescowle and Bill Barefoot.

Election of Officers

Mr. Poff opened the floor for nominations.

Mr. Rodrigues **moved to elect Mr. Ron Poff as Chairman of the Board of Zoning Appeals**, seconded by Mr. Borchers. **Motion carried.** Ayes: Rodrigues, Borchers, Wall, and Poff. Nays: None.

Mr. Rodrigues **moved to elect Mrs. Stacy Wall as Vice-Chairman of the Board of Zoning Appeals**, seconded by Mr. Poff. **Motion carried.** Ayes: Rodrigues, Poff, Borchers and Wall. Nays: None.

Mr. Poff closed the floor for nominations.

Board Minutes

Chairman Poff asked for discussion. There being none, Mrs. Wall **moved to approve the December 20, 2006 minutes as written**, seconded by Chairman Poff. **Motion carried.** Ayes: Wall, Poff, and Borchers. Nays: None. Mr. Rodrigues abstained from the vote.

Citizen Comments

There were no citizen comments on items not on the agenda.

Administration of Oath

Mrs. Patterson, notary, swore in all citizens by asking them if they intended to speak during the public hearing to please stand and raise their right hand. Citizens were asked if they solemnly swore or affirm to tell the truth, the whole truth and nothing but the truth, so help them God. If so, answer, "I do." Citizens wishing to give testimony answered, "I do."

New Business

Chairman Poff explained the guidelines and procedures for the meeting and public hearings. He advised the applicants that a decision of the Board could be appealed to City Council within 10 days. If the Board granted the applicants request, the applicant may file the appropriate permits after the 10-day waiting period has expired.

**Case No. 01-07:
Bill Barefoot
317 S. Sixth St.**

**Case No. 01-07: Bill Barefoot, contractor for Amy Grescowle, owner – 317 S. Sixth Street, Tipp City – Pl. OL 34 – The applicant requests two variances:
Variance 1**

Variance Request

A variance of 25'4" to the required rear yard setback of 30' noted in Code §154.044(C)(2)(b).

Variance 2

A variance of 0'3" to the required side yard setback of 8' noted in Code §154.044(C)(2)(c).

Present Zoning District: R-2Urban Residential Zoning District
Section(s): §154.044(C)(2)(b) and §154.044(C)(2)(c).

Chairman Poff asked for a brief staff report.

Mr. Spring stated that the applicant requested the following two variances:

1. A variance of 25' 4" to the required rear yard setback of 30' noted in Code §154.044(C)(2)(b) in conjunction with the construction of an attached garage addition to the single family residence located at 317 S. Sixth Street. If approved, the addition would be 4' 8" from the rear property line.

Code §154.044(C)(2)(b) indicates:

Minimum rear yard depth: 30 feet.

2. A variance of 0' 3" to the required side yard setback of 8' noted in Code §154.044(C)(2)(c) in conjunction with the construction of an attached garage addition to the single family residence located at 317 S. Sixth Street. If approved, the addition would be 7' 9" from the side property line.

Code §154.044(C)(2)(c) indicates:

Minimum side yard depth: 8 feet.

Mr. Spring explained the procedural requirements to grant the variances in this case as outlined in Sections §154.175(E)(9) §154.175(C) and §154.175(D) of the Tipp City Code of Ordinances.

Mr. Spring stated that the property was located on a corner lot (S. Sixth Street and Wells Place). As such the property's front, rear and side lot lines (and setbacks) are delineated by Code §154.004 which defines a "front," "rear," and "side" lot line as follows:

FRONT. A street right-of-way line forming the boundary of a lot. On a corner lot, the street right-of-way lines with the least amount of street frontage shall be the front lot line. See Figure I in Appendix A following this chapter.

REAR. That lot line which is parallel to and most distant from the front lot line of the lot; in the case of an irregular, or triangular, shaped lot, a line 10 feet in length, entirely within the lot, parallel to and at the maximum possible distance from, the front line shall be considered to be the rear lot line.

SIDE. A lot line which is neither a front lot line nor a rear lot line. On a corner lot, the street right-of-way line with the greatest amount of street frontage shall be a side lot line. See Figure I in Appendix A following this chapter.

Mr. Spring noted that the rear and side setbacks as noted in this variance request were delineated by the definitions within the zoning code and not

the position of the drive approach and/or the "front door" of the home.

- A 12' alley abuts the property to the north.
- There are no known easements of record on the property in question. However an electric line does run east-west abutting the alley to the north.
- The proposed garage addition would replace an existing garage currently located in the approximately the same position (to be demolished). The existing garage was slightly closer to the rear property line than the proposed garage. Code §154.136(E)(2) states:

Should such nonconforming structure or nonconforming portion of structure be destroyed by any means, it shall not be reconstructed except in conformity with the provision of this chapter;

Mr. Spring also noted that because the existing garage would be demolished to make way for the proposed new garage, a variance(s) for the new garage was required for any setback not in conformity with current code.

- The applicant would be required to obtain a demolition permit (through the City Manager's office) prior to the razing of the existing garage.
- The applicant would be required to obtain approved zoning and building permits upon any proposed construction.

Mr. Bill Barefoot – 317 S. Sixth Street, Tipp City, stated that he had the lot surveyed and proposed to move the garage up and to the side, actually making the setback larger than it originally was (from 8" to 4' 8"). The breezeway would be demolished in order to accomplish moving the garage off of the alley.

Board Members found that the overhang was not included in the variance. Mr. Spring noted that per Zoning Code section §154.061 (H)(1) states that chimney's flews, sills, pilasters, cornices, eaves, gutters and other similar features may project into a required side or rear yard to a maximum of 18". Mr. Spring stated that since the overhang was 18' or less then the dimensions presented were correct.

Staff noted that there were no comments received from neighbors.

Chairman Poff asked for citizen comments. There were none.

Chairman Poff asked for further discussion. Mr. Rodrigues **moved to grant a variance of 25' 4" to the required rear yard setback of 30' noted in Code §154.044(C)(2)(b) to construct an attached garage addition to the single-family residence located at 317 S. Sixth Street**, seconded by Mrs. Wall. **Motion carried.** Ayes: Rodrigues, Wall, Poff, and Borchers. Nays: None.

Mr. Rodrigues **moved to grant a variance of 0' 3" to the required side yard setback of 8' noted in Code §154.044(C)(2)(c) to construct an attached**

garage addition to the single-family residence located at 317 S. Sixth Street, seconded by Mrs. Wall. **Motion carried.** Ayes: Rodrigues, Wall, Borchers, and Poff. Nays: None.

Chairman Poff reminded the applicant that the applicant may file the appropriate permits after the 10-day waiting period has expired.

Old Business


There was none.

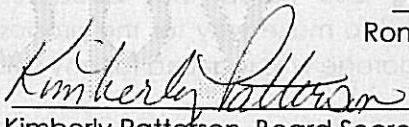
Miscellaneous

Board Members requested three ring binders to keep their zoning codes in. Mrs. Patterson will purchase those for the next board meeting.

Adjournment

There being no further business, Mr. Borchers **moved to adjourn the meeting**, seconded by Mrs. Wall and unanimously approved. **Motion carried.** Chairman Poff declared the meeting adjourned at 7:52 p.m.


Ron Poff, Chairman

Attest: 
Kimberly Patterson, Board Secretary